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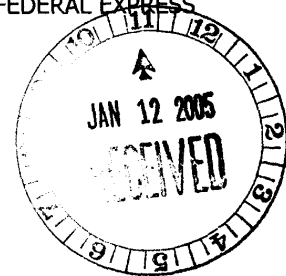
January 11, 2005  
VIA: FEDERAL EXPRESS

Hon. Vernon A. Williams  
Secretary  
Surface Transportation Board  
Mercury Building, #711  
1925 K Street, N.W.  
Washington, DC 20423-0001

ENTERED  
Office of Proceedings

JAN 12 2004

Part of  
Public Record



Re: Portland & Western Railroad, Inc. - Abandonment Exemption - Washington  
County, Oregon  
Docket No. AB-541 (Sub-No. 1X)  
**Environmental/Historic Report**

Dear Secretary Williams:

Enclosed for filing are the original and ten copies of the Environmental/Historic Report being filed in connection with the above-referenced matter. As indicated in the Report, Portland & Western Railroad, Inc. expects to file its verified notice of abandonment exemption on or about February 2, 2005. Please time-stamp the extra copy of this letter to indicate receipt, and return it to me in the stamped, self-addressed envelope provided for your convenience.

Respectfully,

*Len Bellis*

Leanore D. Bellis

Enclosures

cc: C Gilbert/PNWR  
Eric M. Hocky, Esquire  
All Parties on Service List

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

212991



Before the

**SURFACE TRANSPORTATION BOARD**

ENTERED  
Office of Proceedings

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Part of  
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**PORTLAND & WESTERN RAILROAD, INC.  
NOTICE OF EXEMPT ABANDONMENT  
PURSUANT TO  
49 C.F.R. §1152.50**

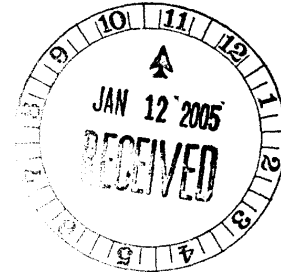
Washington County, Oregon

Docket No. AB-541 (Sub-No. 1X)

**ENVIRONMENTAL/HISTORIC REPORT**

ERIC M. HOCKY  
GOLLATZ, GRIFFIN & EWING, P.C.  
Four Penn Center  
Suite 200  
1600 JFK Blvd.  
Philadelphia, PA 19103  
(215) 563-9400  
Attorney for  
Portland & Western Railroad, Inc.

Dated: January 11, 2005



Before the

**SURFACE TRANSPORTATION BOARD**

**PORTLAND & WESTERN RAILROAD, INC.  
NOTICE OF EXEMPT ABANDONMENT  
PURSUANT TO  
49 C.F.R. §1152.50**

Washington County, Oregon

Docket No. AB-541 (Sub-No. 1X)

**ENVIRONMENTAL/HISTORIC REPORT**

Portland & Western Railroad, Inc. ("Applicant") will be filing a verified notice of exempt abandonment on or about February 2, 2005. This report is being filed in connection therewith in accordance with the requirements of 49 C.F.R. §§1105.7 and 1105.8. To prepare this report Applicant consulted with various state and federal agencies. See the letters attached as Exhibit A. Based on the written responses attached as Exhibit B, and the responses (both oral and written) noted in the Response Log attached as Exhibit C, Applicant states as follows:

**A. ENVIRONMENTAL REPORT**  
(49 C.F.R. §1105.7)

1. **Proposed action and alternatives**

Applicant proposes to abandon a portion of its line of railroad in the Oregon Electric District that runs from milepost 17.10 to milepost 20.05, located near the City of Hillsboro in Washington County, Oregon ("the Abandonment"). See Exhibit D for a topographical map of the line to be abandoned. No service has been provided on this line by Applicant for nearly five years. In abandoning this rail line, Applicant only intends on removing and salvaging the existing rail, tie plates, spikes, anchors and cross ties. The removal will take place in the ballast area of the track structure and the surrounding area will not be disturbed. Applicant owns only an easement for freight rail service. The rights to the line being abandoned are being sold to the Oregon Department of Transportation, the owner of the underlying property. At this time, there appears to be no alternative to the proposed action.

2. **Effects on transportation system**

No traffic has been handled on the line for nearly five years. The proposed abandonment will have no effect on regional or local transportation systems or patterns.

3. **Land use**

(i) Applicant is unaware of any regional or local land use patterns with which the proposed abandonment would be inconsistent. Applicant served notices of the proposed abandonment on the following land use agencies: Oregon Department of Transportation (Rail Division), Oregon Department of Transportation (Right of Way Division), Oregon Department of Environmental Quality, Washington County Board of Commissioners (Commissioner Andy Duyck), US Environmental Protection Agency (Region 10), US Army Corps of Engineers, National Park

Service (Pacific West Region), USDA Natural Resources Conservation Service, USDA Natural Resources Conservation Service (Washington County), and US Department of Commerce/The National Geodetic Survey N-NGS2. Copies of these letters are attached as Exhibit A. No responses have been received.

(ii) The proposed action will have no effect on any prime agricultural land. Notice of the abandonment has been served on the USDA Natural Resources Conservation Service, a copy of which is attached as part of Exhibit A. No response has been received.

(iii) Notice of the abandonment has been served on the Ocean and Coastal Services Division of the Department of Land Conservation and on Darrell Hedin, Water Master District 18. Copies of these letters are attached as part of Exhibit A. In a letter dated December 16, 2004, the Coastal Zone Management Program stated that the abandonment is not in Oregon's coastal zone. See Exhibit B. On December 15, 2004, an email response was received from Mr. Hedin indicating that he has no authority concerning abandonments. See Exhibit B.

(iv) This property covers a variety of land areas. Beginning at Milepost 17.1 to approximately Milepost 19.0, the Abandonment descends southerly on a one percent grade through a rural semi-forested area that includes upland agricultural lands. From approximately Milepost 19.0 to Milepost 20.05, the grading of the Abandonment levels and traverses past an industrial area to the west of the right-of-way and a residential area to the east of the right-of-way. Applicant's easement rights to the property are being sold to the Oregon Department of Transportation, the owner of the property underlying the abandonment, which will hold the right-of-way for public use.

#### 4. **Energy**

(i) The proposed abandonment will have no effect on the transportation of energy resources.

(ii) The proposed abandonment will have no effect on recyclable commodities.

(iii) Since the line has not been used for nearly five years, there will be no effect on overall energy efficiency.

(iv) The proposed abandonment will not divert any traffic from rail to motor carriage since there has been no local traffic on the line for the past five years.

5. **Air**

The proposed abandonment will not result in any increases in rail or truck traffic or rail yard activity.

6. **Noise**

The proposed abandonment will not result in any increase in noise levels.

7. **Safety**

The proposed abandonment will not have any effect on public health or safety.

8. **Biological Resources**

(i) Applicant has given notice of the proposed abandonment to the US Fish and Wildlife Service (Pacific Region) and the Oregon Department of Fish and Wildlife. See Exhibit A. On January 5, 2005, a representative of the US Fish and Wildlife Service called asking for clarifications concerning the abandonment: the basis for the inquiry, its location, whether there were any water crossings, and how the rail ties were to be disposed. The US Fish and Wildlife Service was directed to 49 C.F.R. §§1105.7 (e)(8) in order to receive a clearer understanding of the basis for the inquiry. The map was orally reviewed with the representative for the US Fish and Wildlife. On January 6, 2005, the Applicant advised the Service that there are no water crossings other than culverts for runoff, and that the culverts would be left in place. Further, Applicant advised that the ties, as well

as other rail materials would be salvaged by Applicant and re-used in a nearby project extending a siding. See Exhibit B.

(ii) Applicant does not believe that there are any wildlife sanctuaries or refuges, National or State parks or forests in the vicinity of the proposed abandonment. By way of further response, Applicant has not received responses from the applicable state and government agencies that would indicate otherwise. The relevant agencies that were sent Environmental Notices are as follows: National Park Service (Pacific West Region), USDA Natural Resources Conservation Service, USDA Natural Resources Conservation Service (Washington County), US Fish and Wildlife Service (Pacific Region), and the Oregon Department of Fish and Wildlife.

9. **Water**

(i) The proposed abandonment will be handled in a manner that is consistent with the applicable local, State and Federal water quality standards. No effect is expected on water quality as the removal of the track materials will be done in the ballast area of the track structure. This will buffer any silting or turbidity of the drainage systems.

(ii) Applicant has had no response to its Environmental Notice from the US Army, Corps of Engineers. To the best of Applicant's knowledge, the proposed abandonment will have no effect on wetlands or 100-year flood plains as any existing drainage ditches and culverts will not be left in place following the abandonment. This was acknowledged by Applicant in its response to the US Fish and Wildlife Service on January 6, 2005. See Exhibit B.

(iii) Applicant has sent notice of the intended abandonment to the US Environmental Protection Agency (Region 10) and to the Oregon Department of Environmental Quality, see Exhibit A. Applicant has received no response from either of these agencies. The

proposed abandonment will be handled in a manner that is consistent with the applicable local, State and Federal water quality standards.

10. **Proposed Mitigation**

Since no adverse environmental impacts are expected, no mitigation is proposed.

11. **Additional Information for Rail Constructions**

Not applicable.

12. **Consultation**

As shown by the copies of letters attached hereto as Exhibit A, Applicant has consulted with the following agencies: Oregon Department of Transportation (Rail Division), Oregon Department of Transportation (Right of Way), Oregon Department of Environmental Quality, Washington County Board of Commissioners (Commissioner Andy Duyck), US Environmental Protection Agency (Region 10), US Fish and Wildlife Service (Pacific Region), US Army Corps of Engineers, National Park Service (Pacific West Region), USDA Natural Resources Conservation Service, USDA Natural Resources Conservation Service (Washington County), US Department of Commerce/The National Geodetic Survey N-NGS2, Oregon Department of Fish and Wildlife, Darrell Hedin/Water Master District 18, and Ocean and Coastal Services Division of the Department of Land Conservation and Development. Written responses were received only from Darrell Hedin/Water Master District 18 and from the Ocean and Coastal Services Division of the Department of Land Conservation and Development. Copies of the written responses are attached hereto as Exhibit B. An oral response was received from the US Fish and Wildlife Service (Pacific Region). See Exhibit C.



13. **Certifications**

Applicant certifies that:

(a) It consulted with the agencies listed in 49 C.F.R. §1105.7(b), as described in paragraph No. 12 above.

(b) On this date, it sent copies of this report to each of the agencies consulted.

(c) Notice of the intended abandonment is being published biweekly through January 2005 in the Hillsboro Argus, a paper with general circulation in Washington County in the form specified in 49 C.F.R. §1105.12. As required, the notice alerts the public to the proposed abandonment, to available reuse alternatives, and to how it may participate in this proceeding. A copy of the notice as it is appearing the paper is attached as Exhibit E. (The formal proof of publication will be submitted by Applicant in a supplemental filing.)

(d) Applicant will not file its verified notice of abandonment until at least twenty (20) days after the agencies have been served with a copy of this report.

**B. HISTORIC REPORT**  
(49 C.F.R. §1105.8)

The information required by 49 C.F.R. §1105.7(e)(1) is set forth in Section A.1 above.

1. **U.S.G.S. Topographic Map**

A U.S.G.S. topographic map showing the location of the proposed abandonment is attached hereto as Exhibit D.

2. **Description Of Right Of Way**

Applicant proposes to abandon a portion of its line of railroad in the Oregon Electric District that runs from milepost 17.10 to milepost 20.05, located near the City of Hillsboro in Washington County, Oregon. This property covers a variety of land areas. Beginning at Milepost 17.1 to approximately Milepost 19.0, the Abandonment descends southerly on an one percent grade through a rural semi-forested area that includes upland agricultural lands. From approximately Milepost 19.0 to Milepost 20.05, the grading of the Abandonment levels and traverses past an industrial area to the west of the right-of-way and a residential area to the east of the right-of-way. The width of the right-of-way is approximately 100 feet. In abandoning this rail line, Applicant only intends on removing and salvaging the existing rail, tie plates, spikes, anchors and cross ties. The surrounding area will not be disturbed. Applicant's easement rights to the line being abandoned are being sold to the Oregon Department of Transportation, the owner of the underlying property.

3. **Historic Structure(s)**

Applicant does not believe that there are any structures along the abandonment that are 50 years old or older. Accordingly, no photographs are being submitted with this Report. However, at the request of the Oregon Parks and Recreation Department, Heritage Conservation

Division (the "SHPO") (see Exhibit B and Exhibit C), Applicant will be providing additional information to the SHPO.

4. **Description of Structures**

There are no historic structures along the line being abandoned, and accordingly, Applicant is not submitting any information regarding construction or alterations.

5. **History of Carrier Operations in the Area**

The line that is the subject of the proposed abandonment was built by the Oregon Electric Railway ("Oregon Electric") as part of its Second Subdivision, Orenco Branch. It was originally placed in service in 1913. Applicant is not aware of any major alterations to the line.

Oregon Electric was subsequently acquired by the Spokane, Portland & Seattle Railway which eventually became part of Burlington Northern Railway (now Burlington Northern Santa Fe Railway Company ("BNSF")). In 1944, a bridge on the Cornelius Pass line burned, and BNSF rerouted its traffic from the former Oregon Electric main line to a Southern Pacific Railway line between Portland and Salem.

Applicant acquired the rail, ties and other facilities that comprise this rail line, and easement, to provide rail service, from BNSF in November 1997. See STB Finance Docket No. 33502 (served November 24, 1997). BNSF subsequently donated the underlying property to the State of Oregon / Oregon Department of Transportation. Applicant previously abandoned the portion of the rail line beyond milepost 20.05. See STB Docket No. AB-541X (served August 3, 1998; corrected August 7, 1998). There has been no service provided over the line proposed for abandonment for the past five years.

6. **Summary of Structure Documentation**

There are no historic structures along the line being abandoned, and accordingly, Applicant is not submitting any summary of documentation relating to the structures.

7. **Opinion Regarding Criteria for Listing**

Based on information in its possession, Applicant does not believe that there are any structures that meet the criteria for listing on the National Register of Historic Places. Further, it is not aware of archeological resources in the area. However, the SHPO has questions about whether there may be archeological resources in the area although acknowledging that there have not been any previous cultural surveys completed near the line to be abandoned. See Exhibit B. Applicant's proposed salvage of the rail materials is not expected to disturb any archeological resources in the area. Further, Applicant is providing additional information to the SHPO as requested.

8. **Environmental Conditions**

Applicant is unaware of any prior subsurface ground disturbance or fill, or environmental conditions which might affect the archaeological recovery of resources or the surrounding terrain.

Respectfully submitted,

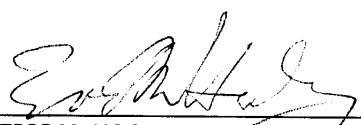


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GOLLATZ, GRIFFIN & EWING, P.C.  
Four Penn Center  
Suite 200  
1600 JFK Blvd.  
Philadelphia, PA 19103  
(215) 563-9400  
Attorney for  
Portland & Western Railroad, Inc.

Dated: January 11, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that on this date a copy of the foregoing Environmental/Historic Report was served on the persons shown on the attached list by first class mail, postage prepaid.

  
ERIC M. HOCKY

Dated: January 11, 2005

**SERVICE/ADDRESS LIST**

Richard Dunlap  
Oregon Department of Transportation  
Right of Way  
555 13th Street NE  
Salem, OR 97301

Oregon Department of Transportation  
Rail Division  
555 13th Street NE  
Salem, OR 97301

Oregon Department of Environmental Quality  
811 SW Sixth Avenue  
Portland, Oregon 97204-1390

Commissioner Andy Duyck  
Washington County Board of Commissioners  
155 N. First Avenue  
Suite 300  
MS 22  
Hillsboro, OR 97124

US Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, WA 98101

David Allen  
Regional Director  
US Fish and Wildlife Service  
- Pacific Region  
Eastside Federal Complex  
911 NE 11th Ave  
Portland, OR 97232

U. S. Army Corps of Engineers  
P.O. Box 2946  
Portland, OR 97208-2946

National Park Service  
Pacific West Region  
One Jackson Center  
1111 Jackson Street  
Suite 700  
Oakland, CA 94607

USDA Natural Resources Conservation Service  
101 SW Main Street  
Suite 1300  
Portland, OR 97204-3221

USDA Natural Resources Conservation Service  
Washington County  
Hillsboro Service Center  
1080SW Baseline Ste. B2  
Hillsboro, OR 97123

Mr. Richard A. Snay  
Chief, Spatial Reference  
System Div.  
United States Dept. of  
Commerce  
NOAA, N/NGS2  
SSMC3, Room 8828  
1315 East-West Highway  
Silver Spring, MD 20910

Oregon Department of Fish and Wildlife  
3406 Cherry Avenue NE  
Salem, OR 97303

Darrell Hedin  
Water Master District 18  
1400 SW Walnut Street  
Suite 240  
Hillsboro, OR 97123

Ocean and Coastal Services Division  
Department of Land Conservation and Development  
635 Capitol Street, NE  
Suite 150  
Salem, OR 97301

Oregon Parks and Recreation Department  
Heritage Conservation Division  
725 Summer St NE  
Suite C  
Salem OR 97301

**EXHIBIT A**



213 WEST MINER STREET  
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& EWING  
ATTORNEYS - AT - LAW

LEANORE D. BELLIS  
DIRECT DIAL 610.350.4132  
lbellis@ggelaw.com

December 10, 2004  
VIA: FIRST CLASS MAIL

US Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, WA 98101

RE: Notice of Abandonment  
Docket No. AB-541 (Sub-No. 1X)

Dear Sir or Madame:

This letter is to advise you that Portland & Western Railroad, Inc. ("PNWR") proposes to abandon its line of railroad in the Oregon Electric District that runs from milepost 17.10 to milepost 20.05, located near the City of Hillsboro in Washington County, Oregon. The nearest station is Bendemeer located at milepost 19.0. This line traverses through United States Postal ZIP Code 97124. Maps showing the location of the line are attached. To PNWR's knowledge, the line does not contain federally granted rights of way.

No service has been provided on the line for nearly five years. PNWR plans to seek Surface Transportation Board ("STB") authorization for its abandonment by filing a verified notice of abandonment pursuant to the provisions of 49 C.F.R. §1152.50 on or about February 8, 2005 in Docket No. AB-541 (Sub-No. 1X).

PNWR plans to salvage the track and materials following the line's abandonment. PNWR does not believe that there are any reasonable alternatives to the proposed action. PNWR believes that the abandonment authorization will not have a significant effect upon the environment.

In advance of preparing an environmental/historic report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental or historic preservation effects of the proposed abandonment.

We would appreciate an expression from you by January 10, 2005 that, within the area of your authority, you do not perceive that the abandonment of the line will have a significant effect upon the environment or historic preservation. If you have any questions about the

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

US EPA

December 10, 2004

Re: Notice of Abandonment  
Page 2 of 2

abandonment proposal or if you need assistance in this matter, please call me at (610) 692-9116 (ext. 4322).

Thank you for your cooperation.

Very truly yours,



Leanore D. Bellis  
Legal Assistant

Enclosures (Maps)

cc: C. Gilbert/PNWR  
Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

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December 10, 2004  
VIA: FIRST CLASS MAIL

David Allen  
Regional Director  
US Fish and Wildlife Service - Pacific Region  
Eastside Federal Complex  
911 NE 11th Ave  
Portland, OR 97232

RE: Notice of Abandonment  
Docket No. AB-541 (Sub-No. 1X)

Dear Mr. Allen:

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GOLLATZ, GRIFFIN & EWING, P.C.

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US Fish and Wildlife Service - Pacific Region

December 10, 2004

Re: Notice of Abandonment

Page 2 of 2

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Thank you for your cooperation.

Very truly yours,



Leanore D. Bellis  
Legal Assistant

Enclosures (Maps)

cc: C. Gilbert/PNWR  
Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

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DIRECT DIAL 610.350.4132  
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December 10, 2004  
VIA: FIRST CLASS MAIL

Commissioner Andy Duyck  
Washington County Board of Commissioners  
155 N. First Avenue  
Suite 300  
MS 22  
Hillsboro, OR 97124

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No service has been provided on the line for nearly five years. PNWR plans to seek Surface Transportation Board ("STB") authorization for its abandonment by filing a verified notice of abandonment pursuant to the provisions of 49 C.F.R. §1152.50 on or about February 8, 2005 in Docket No. AB-541 (Sub-No. 1X).

PNWR plans to salvage the track and materials following the line's abandonment. PNWR does not believe that there are any reasonable alternatives to the proposed action. PNWR believes that the abandonment authorization will not have a significant effect upon the environment.

In advance of preparing an environmental/historic report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental or historic preservation effects of the proposed abandonment.

We would appreciate an expression from you by January 10, 2005 that, within the area of your authority, you do not perceive that the abandonment of the line will have a significant effect

GOLLATZ, GRIFFIN & EWING, P.C.

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Washington County Board of Commissioners

December 10, 2004

Re: Notice of Abandonment  
Page 2 of 2

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Very truly yours,



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Legal Assistant

Enclosures (Maps)

cc: C. Gilbert/PNWR  
Eric M. Hocky, Esquire

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Heritage Conservation Division  
725 Summer St NE  
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PNWR plans to salvage the track and materials following the line's abandonment. PNWR does not believe that there are any reasonable alternatives to the proposed action. PNWR believes that the abandonment authorization will not have a significant effect upon the environment.

There are no structures on the line which are 50 years old or older, and PNWR is not aware of any features that would warrant preservation.

In advance of preparing an environmental/historic report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental or historic preservation effects of the proposed abandonment.

GOLLATZ, GRIFFIN & EWING, P.C.

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& EWING  
ATTORNEYS - AT - LAW

December 10, 2004  
VIA: FIRST CLASS MAIL

Ocean and Coastal Services Division  
Department of Land Conservation and Development  
635 Capitol Street, NE  
Suite 150  
Salem, OR 97301

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Dear Sir or Madam:

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No service has been provided on the line for nearly five years. PNWR plans to seek Surface Transportation Board ("STB") authorization for its abandonment by filing a verified notice of abandonment pursuant to the provisions of 49 C.F.R. §1152.50 on or about February 8, 2005 in Docket No. AB-541 (Sub-No. 1X).

Please advise us whether the rail line which is the subject of proposed abandonment is within Oregon's coastal zone. If it is within the coastal zone, please advise further (1) if the proposed abandonment is an action listed for review in Oregon's coastal zone management plan, and (2) if the action is so listed, whether the proposed action is consistent with the coastal zone management plan.

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON



Ocean and Coastal Services Division  
December 10, 2004

p. 2

- We would appreciate a response from you by January 10, 2005. If you have any questions about the abandonment proposal or if you need assistance in this matter, please call me at (610) 692-9116 (ext. 4322).

Thank you for your cooperation.

Very truly yours,



Leanore D. Bellis  
Legal Assistant

Enclosures (Maps)

cc: C. Gilbert/PNWR  
Eric M. Hocky, Esquire

213 WEST MINER STREET  
PO Box 796  
WEST CHESTER, PA 19381  
TELEPHONE 610.692.9116  
FACSIMILE 610.692.9177  
WWW.GGELAW.COM

**G&E** GOLLATZ  
GRIFFIN  
& EWING  
ATTORNEYS - AT - LAW

LEANORE D. BELLIS  
DIRECT DIAL 610.350.4132  
lbellis@ggelaw.com

December 10, 2004  
VIA: FIRST CLASS MAIL

Oregon Department of Environmental Quality  
811 SW Sixth Avenue  
Portland, Oregon 97204-1390

RE: Notice of Abandonment  
Docket No. AB-541 (Sub-No. 1X)

Dear Sir or Madam:

This letter is to advise you that Portland & Western Railroad, Inc. ("PNWR") proposes to abandon its line of railroad in the Oregon Electric District that runs from milepost 17.10 to milepost 20.05, located near the City of Hillsboro in Washington County, Oregon. The nearest station is Bendemeer located at milepost 19.0. This line traverses through United States Postal ZIP Code 97124. Maps showing the location of the line are attached. To PNWR's knowledge, the line does not contain federally granted rights of way.

No service has been provided on the line for nearly five years. PNWR plans to seek Surface Transportation Board ("STB") authorization for its abandonment by filing a verified notice of abandonment pursuant to the provisions of 49 C.F.R. §1152.50 on or about February 8, 2005 in Docket No. AB-541 (Sub-No. 1X).

PNWR plans to salvage the track and materials following the line's abandonment. PNWR does not believe that there are any reasonable alternatives to the proposed action. PNWR believes that the abandonment authorization will not have a significant effect upon the environment.

In advance of preparing an environmental/historic report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental or historic preservation effects of the proposed abandonment.

We would appreciate an expression from you by January 10, 2005 that, within the area of your authority, you do not perceive that the abandonment of the line will have a significant effect upon the environment or historic preservation. If you have any questions about the

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

Oregon Department of Environmental Quality

December 10, 2004

Re: Notice of Abandonment

Page 2 of 2

abandonment proposal or if you need assistance in this matter, please call me at (610) 692-9116 (ext. 4322).

Thank you for your cooperation.

Very truly yours,



Leanore D. Bellis  
Legal Assistant

Enclosures (Maps)

cc: C. Gilbert/PNWR  
Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

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213 WEST MINER STREET  
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**GC&E** GOLLATZ  
GRIFFIN  
& EWING  
ATTORNEYS - AT - LAW

LEANORE D. BELLIS  
DIRECT DIAL 610.350.4132  
lbellis@ggelaw.com

December 10, 2004  
VIA: FIRST CLASS MAIL

Oregon Department of Transportation  
Rail Division  
555 13th Street NE  
Salem, OR 97301

Richard Dunlap  
Oregon Department of Transportation  
Right of Way  
555 13th Street NE  
Salem, OR 97301

RE: Notice of Abandonment  
Docket No. AB-541 (Sub-No. 1X)

Dear Sirs or Madam:

This letter is to advise you that Portland & Western Railroad, Inc. ("PNWR") proposes to abandon its line of railroad in the Oregon Electric District that runs from milepost 17.10 to milepost 20.05, located near the City of Hillsboro in Washington County, Oregon. The nearest station is Bendemeer located at milepost 19.0. This line traverses through United States Postal ZIP Code 97124. Maps showing the location of the line are attached. To PNWR's knowledge, the line does not contain federally granted rights of way.

No service has been provided on the line for nearly five years. PNWR plans to seek Surface Transportation Board ("STB") authorization for its abandonment by filing a verified notice of abandonment pursuant to the provisions of 49 C.F.R. §1152.50 on or about February 8, 2005 in Docket No. AB-541 (Sub-No. 1X).

PNWR plans to salvage the track and materials following the line's abandonment. PNWR does not believe that there are any reasonable alternatives to the proposed action. PNWR believes that the abandonment authorization will not have a significant effect upon the environment.

In advance of preparing an environmental/historic report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental or historic preservation effects of the proposed abandonment.

We would appreciate an expression from you by January 10, 2005 that, within the area of

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

Oregon Department of Transportation

December 10, 2004

Re: Notice of Abandonment

Page 2 of 2

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Thank you for your cooperation.

Very truly yours,



Leanore D. Bellis  
Legal Assistant

Enclosures (Maps)

cc: C. Gilbert/PNWR  
Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

213 WEST MINER STREET  
PO BOX 796  
WEST CHESTER, PA 19381  
TELEPHONE 610.692.9116  
FACSIMILE 610.692.9177  
WWW.GGELAW.COM

**GC&E** GOLLATZ  
GRIFFIN  
& EWING  
ATTORNEYS - AT - LAW

LEANORE D. BELLIS  
DIRECT DIAL 610.350.4132  
lbellis@ggelaw.com

December 10, 2004  
VIA: FIRST CLASS MAIL

Mr. Richard A. Snay  
Chief, Spatial Reference System Div.  
United States Dept. of Commerce  
NOAA, N/NGS2  
SSMC3, Room 8828  
1315 East-West Highway  
Silver Spring, MD 20910

RE: Notice of Abandonment  
Docket No. AB-541 (Sub-No. 1X)

Dear Mr. Snay:

This letter is to advise you that Portland & Western Railroad, Inc. ("PNWR") proposes to abandon its line of railroad in the Oregon Electric District that runs from milepost 17.10 to milepost 20.05, located near the City of Hillsboro in Washington County, Oregon. The nearest station is Bendemeer located at milepost 19.0. This line traverses through United States Postal ZIP Code 97124. Maps showing the location of the line are attached. To PNWR's knowledge, the line does not contain federally granted rights of way.

No service has been provided on the line for nearly five years. PNWR plans to seek Surface Transportation Board ("STB") authorization for its abandonment by filing a verified notice of abandonment pursuant to the provisions of 49 C.F.R. §1152.50 on or about February 8, 2005 in Docket No. AB-541 (Sub-No. 1X).

PNWR plans to salvage the track and materials following the line's abandonment. PNWR does not believe that there are any reasonable alternatives to the proposed action. PNWR believes that the abandonment authorization will not have a significant effect upon the environment.

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

Mr. R. A. Snay

December 10, 2004

Re: Notice of Abandonment

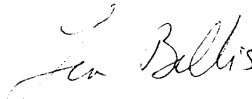
Page 2 of 2

In advance of preparing an environmental/historic report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental or historic preservation effects of the proposed abandonment.

We would appreciate an expression from you by January 10, 2005 that, within the area of your authority, you do not perceive that the abandonment of the line will have a significant effect upon the environment or historic preservation. If you have any questions about the abandonment proposal or if you need assistance in this matter, please call me at (610) 692-9116 (ext. 4322).

Thank you for your cooperation.

Very truly yours,



Leanore D. Bellis  
Legal Assistant

Enclosures (Maps)

cc: C. Gilbert/PNWR  
Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

213 WEST MINER STREET  
PO Box 796  
WEST CHESTER, PA 19381  
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GC&E GOLLATZ  
GRIFFIN  
& EWING  
ATTORNEYS - AT - LAW

LEANORE D. BELLIS  
DIRECT DIAL 610.350.4132  
lbellis@ggelaw.com

December 10, 2004  
VIA: FIRST CLASS MAIL

National Park Service  
Pacific West Region  
One Jackson Center  
1111 Jackson Street  
Suite 700  
Oakland, CA 94607

RE: Notice of Abandonment  
Docket No. AB-541 (Sub-No. 1X)

Dear Sir or Madame:

This letter is to advise you that Portland & Western Railroad, Inc. ("PNWR") proposes to abandon its line of railroad in the Oregon Electric District that runs from milepost 17.10 to milepost 20.05, located near the City of Hillsboro in Washington County, Oregon. The nearest station is Bendemeer located at milepost 19.0. This line traverses through United States Postal ZIP Code 97124. Maps showing the location of the line are attached. To PNWR's knowledge, the line does not contain federally granted rights of way.

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We would appreciate an expression from you by January 10, 2005 that, within the area of your authority, you do not perceive that the abandonment of the line will have a significant effect

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON



National Park Service

December 10, 2004

Re: Notice of Abandonment

Page 2 of 2

upon the environment or historic preservation. If you have any questions about the abandonment proposal or if you need assistance in this matter, please call me at (610) 692-9116 (ext. 4322).

Thank you for your cooperation.

Very truly yours,



Leanore D. Bellis  
Legal Assistant

Enclosures (Maps)

cc: C. Gilbert/PNWR  
Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

213 WEST MINER STREET  
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WEST CHESTER, PA 19381  
TELEPHONE 610.692.9116  
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**GC&E** GOLLATZ  
GRIFFIN  
& EWING  
ATTORNEYS - AT - LAW

LEANORE D. BELLIS  
DIRECT DIAL 610.350.4132  
lbellis@ggelaw.com

December 10, 2004  
VIA: FIRST CLASS MAIL

Oregon Department of Fish and Wildlife  
3406 Cherry Avenue NE  
Salem, OR 97303

RE: Notice of Abandonment  
Docket No. AB-541 (Sub-No. 1X)

Dear Sir or Madame:

This letter is to advise you that Portland & Western Railroad, Inc. ("PNWR") proposes to abandon its line of railroad in the Oregon Electric District that runs from milepost 17.10 to milepost 20.05, located near the City of Hillsboro in Washington County, Oregon. The nearest station is Bendemeer located at milepost 19.0. This line traverses through United States Postal ZIP Code 97124. Maps showing the location of the line are attached. To PNWR's knowledge, the line does not contain federally granted rights of way.

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PNWR plans to salvage the track and materials following the line's abandonment. PNWR does not believe that there are any reasonable alternatives to the proposed action. PNWR believes that the abandonment authorization will not have a significant effect upon the environment.

In advance of preparing an environmental/historic report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental or historic preservation effects of the proposed abandonment.

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

Oregon Department of Fish and Wildlife

December 10, 2004

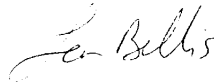
Re: Notice of Abandonment

Page 2 of 2

We would appreciate an expression from you by January 10, 2005 that, within the area of your authority, you do not perceive that the abandonment of the line will have a significant effect upon the environment or historic preservation. If you have any questions about the abandonment proposal or if you need assistance in this matter, please call me at (610) 692-9116 (ext. 4322).

Thank you for your cooperation.

Very truly yours,



Leanore D. Bellis  
Legal Assistant

Enclosures (Maps)

cc: C. Gilbert/PNWR  
Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

213 WEST MINER STREET  
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WWW.GGELAW.COM

**GC&E** GOLLATZ  
GRIFFIN  
& EWING  
ATTORNEYS - AT - LAW

LEANORE D. BELLIS  
DIRECT DIAL 610.350.4132  
lbellis@ggelaw.com

December 10, 2004  
VIA: FIRST CLASS MAIL

Darrell Hedine  
Water Master District 18  
1400 SW Walnut Street  
Suite 240  
Hillsboro, OR 97123

RE: Notice of Abandonment  
Docket No. AB-541 (Sub-No. 1X)

Dear Mr. Hedine:

This letter is to advise you that Portland & Western Railroad, Inc. ("PNWR") proposes to abandon its line of railroad in the Oregon Electric District that runs from milepost 17.10 to milepost 20.05, located near the City of Hillsboro in Washington County, Oregon. The nearest station is Bendemeer located at milepost 19.0. This line traverses through United States Postal ZIP Code 97124. Maps showing the location of the line are attached. To PNWR's knowledge, the line does not contain federally granted rights of way.

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GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

Darrell Hedine

December 10, 2004

Re: Notice of Abandonment

Page 2 of 2

In advance of preparing an environmental/historic report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental or historic preservation effects of the proposed abandonment.

We would appreciate an expression from you by January 10, 2005 that, within the area of your authority, you do not perceive that the abandonment of the line will have a significant effect upon the environment or historic preservation. If you have any questions about the abandonment proposal or if you need assistance in this matter, please call me at (610) 692-9116 (ext. 4322).

Thank you for your cooperation.

Very truly yours,



Leanore D. Bellis  
Legal Assistant

Enclosures (Maps)

cc: C. Gilbert/PNWR  
Eric M. Hocky, Esquire

213 WEST MINER STREET  
PO Box 796  
WEST CHESTER, PA 19381  
TELEPHONE 610.692.9116  
FACSIMILE 610.692.9177  
WWW.GGELAW.COM

GC&E GOLLATZ  
GRIFFIN  
& EWING  
ATTORNEYS - AT - LAW

LEANORE D. BELLIS  
DIRECT DIAL 610.350.4132  
lbellis@ggelaw.com

December 10, 2004  
VIA: FIRST CLASS MAIL

U. S. Army Corps of Engineers  
P.O. Box 2946  
Portland, OR 97208-2946

RE: Notice of Abandonment  
Docket No. AB-541 (Sub-No. 1X)

Dear Sir or Madam:

This letter is to advise you that Portland & Western Railroad, Inc. ("PNWR") proposes to abandon its line of railroad in the Oregon Electric District that runs from milepost 17.10 to milepost 20.05, located near the City of Hillsboro in Washington County, Oregon. The nearest station is Bendemeer located at milepost 19.0. This line traverses through United States Postal ZIP Code 97124. Maps showing the location of the line are attached. To PNWR's knowledge, the line does not contain federally granted rights of way.

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GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

US Army Corps of Engineers

December 10, 2004

Re: Notice of Abandonment  
Page 2 of 2

upon the environment or historic preservation. If you have any questions about the abandonment proposal or if you need assistance in this matter, please call me at (610) 692-9116 (ext. 4322).

Thank you for your cooperation.

Very truly yours,



Leanore D. Bellis  
Legal Assistant

Enclosures (Maps)

cc: C. Gilbert/PNWR  
Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

213 WEST MINER STREET  
PO BOX 796  
WEST CHESTER, PA 19381  
TELEPHONE 610.692.9116  
FACSIMILE 610.692.9177  
WWW.GGELAW.COM

**GC&E** GOLLATZ  
GRIFFIN  
& EWING  
ATTORNEYS - AT - LAW

LEANORE D. BELLIS  
DIRECT DIAL 610.350.4132  
lbellis@ggelaw.com

December 10, 2004  
VIA: FIRST CLASS MAIL

USDA Natural Resources Conservation Service  
101 SW Main Street  
Suite 1300  
Portland, OR 97204-3221

USDA Natural Resources Conservation Service  
Washington County  
Hillsboro Service Center  
1080SW Baseline Ste. B2  
Hillsboro, OR 97123

RE: Notice of Abandonment  
Docket No. AB-541 (Sub-No. 1X)

Dear Sirs or Madames:

This letter is to advise you that Portland & Western Railroad, Inc. ("PNWR") proposes to abandon its line of railroad in the Oregon Electric District that runs from milepost 17.10 to milepost 20.05, located near the City of Hillsboro in Washington County, Oregon. The nearest station is Bendemeer located at milepost 19.0. This line traverses through United States Postal ZIP Code 97124. Maps showing the location of the line are attached. To PNWR's knowledge, the line does not contain federally granted rights of way.

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GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON



USDA Natural Resources Conservation Service

December 10, 2004

Re: Notice Of Abandonment

Page 2 of 2

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We would appreciate an expression from you by January 10, 2005 that, within the area of your authority, you do not perceive that the abandonment of the line will have a significant effect upon the environment or historic preservation. If you have any questions about the abandonment proposal or if you need assistance in this matter, please call me at (610) 692-9116 (ext. 4322).

Thank you for your cooperation.

Very truly yours,



Leanore D. Bellis  
Legal Assistant

Enclosures (Maps)

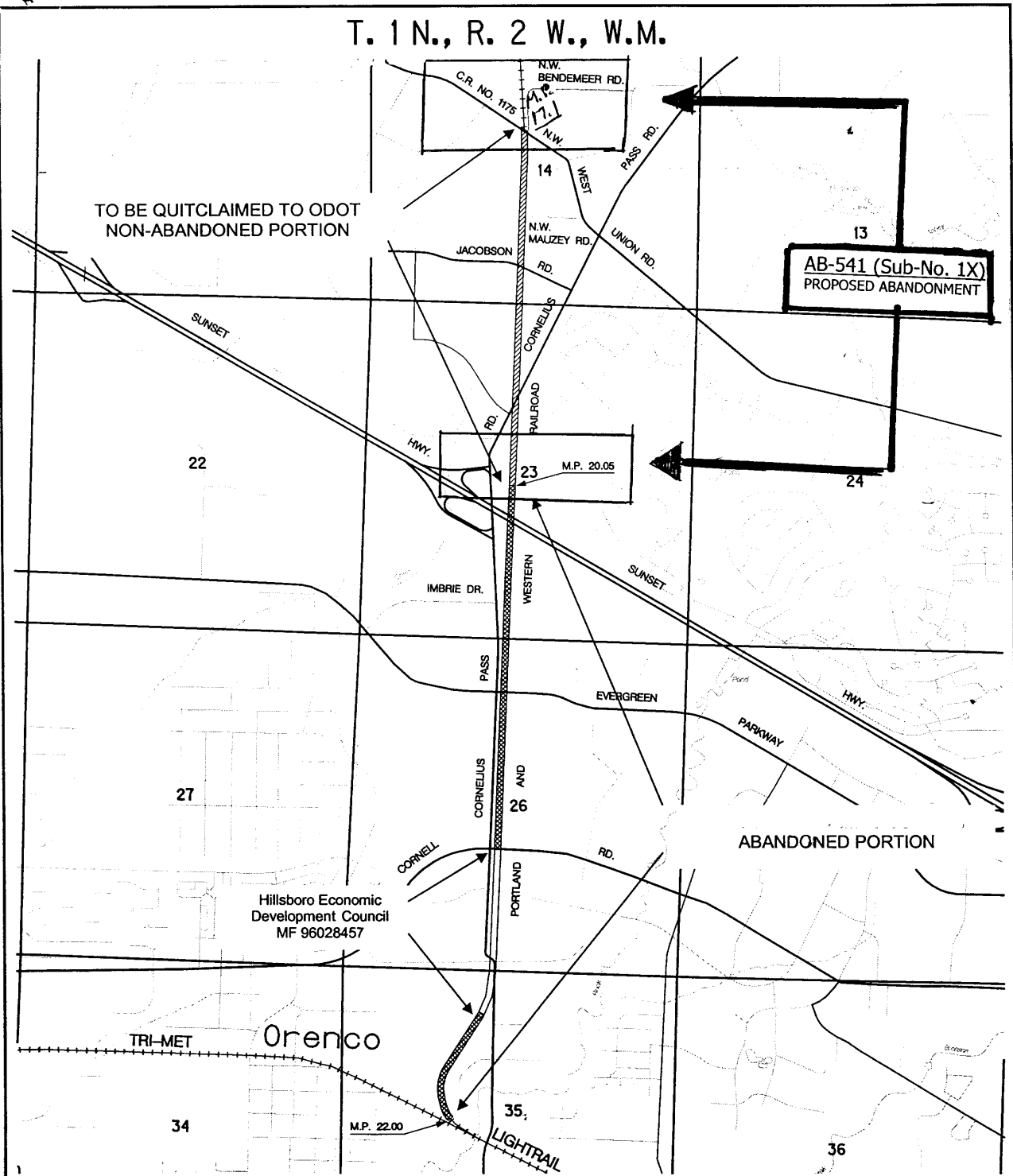
cc: C. Gilbert/PNWR  
Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON



OREGON DEPARTMENT OF TRANSPORTATION  
**RIGHT OF WAY**  
**ENGINEERING**  
SKETCH MAP

Section	Railroad Files (Cornelius Pass Road)			
Highway	Cornelius Pass Road (County Road)			
County	Washington			
Purpose	Rail Service Easement To Be Quitclaimed			
File	6016 004F	Date	December, 2004	Scale 1" = 2000'

**EXHIBIT B**

**Lea Bellis**

---

**From:** emhocky@ggelaw.com  
**Sent:** Thursday, January 06, 2005 12:57 PM  
**To:** gary\_m\_smith@fws.gov  
**Cc:** lbellis@ggelaw.com  
**Subject:** Portland & Western

I understand from my client that there are 11 culverts along the line that is being abandoned (average diameter of approximately 24 inches). The culverts facilitate upland runoff drainage through the right-of-way from surrounding properties. The culverts will be left in place by the railroad.

With respect to the ties, i have been advised that they will not be disposed of. Rather, the ties (as well as the rail, tie plates and spikes) are going to be salvaged and reused in connection with the extension of a siding in the railroad's "Tillamook District" near the station of Roy.

All of the track material salvage work will be done within the ballast/gravel area of the right of way which will minimize disturbance of surrounding areas.

I hope this answers your inquiries. If you have any further questions, please contact either Lea Bellis or me.

Eric Hocky  
emhocky@ggelaw.com  
215.320.3720 (direct)

-----  
This mail sent through IMP: <http://horde.org/imp/>



# Oregon

Theodore R. Kulongoski, Governor

## Parks and Recreation Department

State Historic Preservation Office

725 Summer St. NE, Suite C

Salem, OR 97301-1271

(503) 986-0707

FAX (503) 986-0793

[www.hcd.state.or.us](http://www.hcd.state.or.us)

December 20, 2004

Leanore D. Bellis  
Gollatz, Griffin & Ewing  
213 West Miner Street  
P.O. Box 796  
West Chester, PA 19381

RE: SHPO Case No.: 04-2892  
Portland & Western Railroad, Inc. Notice of Abandonment – Docket No. AB-541  
Washington County, Oregon

Dear Ms. Bellis:

We have reviewed the materials submitted on the project referenced above, and we request that a State of Oregon Section 106 Documentation form is completed for the railroad line that is to be abandoned, so that the SHPO can determine if this section of the PNWR is eligible for the National Register of Historic Places as part of a linear historic district.

This documentation form can be accessed on the Oregon SHPO website at:  
[http://www.oregon.gov/OPRD/HCD/SHPO/preservation\\_106.shtml](http://www.oregon.gov/OPRD/HCD/SHPO/preservation_106.shtml)

Additionally, our staff archaeologists reviewed your proposal for the project referenced above. In checking the statewide cultural resource database, Dennis Griffin found that there have been no previous cultural resource surveys completed anywhere near your proposed project area. However, your project area lies within an area generally perceived to have a high probability for possessing archaeological sites and/or buried human remains.

While not having sufficient knowledge to predict the likelihood of cultural resources being within your project area, extreme caution is recommended during future ground disturbing activities. ORS 358.905 and ORS 97.740 protect archaeological sites and objects and human remains on State public and private lands in Oregon. If any cultural material is discovered during construction activities, all work should cease immediately until a professional archaeologist can assess the discovery.

Our preliminary response is to assist you with your responsibilities under Section 106 of the National Historic Preservation Act (per 36 CFR Part 800). Please feel free to contact me if you have further questions, comments or need additional assistance.

Sincerely,

Sarah Jalving  
Historic Compliance Specialist  
(503) 986-0679 or [Sarah.Jalving@state.or.us](mailto:Sarah.Jalving@state.or.us)



# Oregon

Theodore R. Kulongoski, Governor

## Oregon Coastal Management Program Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

- Fax: (503) 378-6033

Web Address: <http://www.lcd.state.or.us/coastal/html>



December 16, 2004

Leanore D. Bellis  
Gollatz, Griffin & Ewing, Attorneys at Law  
213 West Miner Street  
West Chester, PA 19381

Re: Notice of Abandonment  
Docket No. AB-541 (Sub-No. 1X)

Dear Ms. Bellis,

Thank you for your letter regarding the proposed abandonment of a railroad line by Portland & Western Railroad, Inc. (PNWR). According to the information that you provided, the line proposed for abandonment is located in the Oregon Electric District that runs from milepost 17.10 to milepost 20.05, near the City of Hillsboro in Washington County, Oregon.

The coastal zone, as defined by the State of Oregon, extends inland to the crest of the coastal mountain range with exceptions for the Columbia, Umpqua, and Rogue River basins. The rail line which is the subject of proposed abandonment is not located within Oregon's coastal zone, and therefore does not require further coastal zone review by this office.

If you have any questions regarding the Oregon Coastal Management Program or if I can be of further assistance, please contact me at 503-373-0050 Ext. 253 or by e-mail at [jane.bacchieri@state.or.us](mailto:jane.bacchieri@state.or.us)

Sincerely,

Jane M. Bacchieri  
Coastal Specialist

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**Lea Bellis**

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**From:** Darrell Hedin (County) [Darrell\_Hedin@co.washington.or.us]  
**Sent:** Wednesday, December 15, 2004 11:30 AM  
**To:** Leanore Bellis (E-mail)

Leanore,  
In response to your letter dated 12/10/04, "Notice of Abandonment". I do not possess any authority in the area of concern expressed in your letter.

Darrell Hedin

Darrell C. Hedin  
Watermaster, Dist 18  
1400 SW Walnut Street, Suite 240  
Hillsboro, OR 97123  
503-846-7780, Fax 503-846-7785  
[www.co.washington.or.us/watermaster](http://www.co.washington.or.us/watermaster)

**EXHIBIT C**



**ENVIRONMENTAL/HISTORICAL/COASTAL RESPONSE LOG  
FOR THE CORNELIUS PASS (OR) ABANDONMENT  
DOCKET NO. AB-541(SUB 1X)**

<b>Agency</b>	<b>Contact</b>	<b>Date Sent/ Response Date</b>	<b>Form of Response/ Summary</b>
Oregon Department of Transportation Rail Division 555 13th Street NE Salem, OR 97301 503-986-3421		12/10/2004 – Env. Notice Sent	
Richard Dunlap Oregon Department of Transportation Right of Way 555 13th Street NE Salem, OR 97301		12/10/2004 – Env. Notice Sent	
Oregon Department of Environmental Quality 811 SW Sixth Avenue Portland, Oregon 97204-1390		12/10/2004 – Env. Notice Sent	

Agency	Contact	Date Sent/ Response Date	Form of Response/ Summary
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Commissioner Andy Duyck Washington County Board of Commissioners 155 N. First Avenue Suite 300 MS 22 Hillsboro, OR 97124		12/10/2004 – Env. Notice Sent	
US Environmental Protection Agency Region 10 1200 Sixth Avenue Seattle, WA 98101		12/10/2004 – Env. Notice Sent	
David Allen Regional Director US Fish and Wildlife Service - Pacific Region Eastside Federal Complex 911 NE 11th Ave Portland, OR 97232	Greg Smith 503-231-6179 <a href="mailto:greg_m_smith@fws.gov">greg_m_smith@fws.gov</a>	12/10/2004 – Env. Notice Sent 1/5/2005 – Telephone Call from Greg Smith 1/6/2005 – Email to Greg Smith	1/5/2005 – Received call from Greg Smith concerning the Environmental Notice. He was unclear on the basis for the inquiry and was provided with a reference to 1105.7(e)(8). The map was reviewed with him in order to clarify the section to be abandoned. Mr. Smith's primary concerns were whether there were any water crossings and how the ties were to be disposed. 1/6/2005 – Response to G. Smith's inquiries. There are 11 culverts to remain undisturbed and the ties will be salvaged for reuse with minimal disturbance of area.
U. S. Army Corps of Engineers P.O. Box 2946 Portland, OR 97208-2946		12/10/2004 – Env. Notice Sent	
National Park Service Pacific West Region One Jackson Center 1111 Jackson Street Suite 700 Oakland, CA 94607		12/10/2004 – Env. Notice Sent	

Agency	Contact	Date Sent/ Response Date	Form of Response/ Summary
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USDA Natural Resources Conservation Service 101 SW Main Street Suite 1300 Portland, OR 97204-3221		12/10/2004 – Env. Notice Sent	
USDA Natural Resources Conservation Service Washington County Hillsboro Service Center 1080SW Baseline Ste. B2 Hillsboro, OR 97123		12/10/2004 – Env. Notice Sent	
Mr. Richard A. Snay Chief, Spatial Reference System Div. United States Dept. of Commerce NOAA, N/NGS2 SSMC3, Room 8828 1315 East-West Highway Silver Spring, MD 20910		12/10/2004 – Env. Notice Sent	
Oregon Department of Fish and Wildlife 3406 Cherry Avenue NE Salem, OR 97303		12/10/2004 – Env. Notice Sent	
Darrell Hedin Water Master District 18 1400 SW Walnut Street Suite 240 Hillsboro, OR 97123	Darrell Hedin 503-846-7780 Fx: 503-846-7785 <a href="mailto:Darrell_Hedin@co.washington.or.us">Darrell_Hedin@co.washington.or.us</a>	12/10/2004 – Env. Notice Sent  12/15/2004 – Email response rec'd.	12/15/2004 – Does not have authority re abandonments.

Agency	Contact	Date Sent/ Response Date	Form of Response/ Summary
Ocean and Coastal Services Division Department of Land Conservation and Development 635 Capitol Street, NE Suite 150 Salem, OR 97301	Response from: Jane M. Bacchieri Oregon Coastal Management Program 503-373-0050 ext. 253 <a href="mailto:jane.bacchieri@state.or.us">jane.bacchieri@state.or.us</a>	12/10/2004 – Coastal Notice Sent  12/16/2004 – response sent	12/16/2004 – Abandonment is not in Oregon's coastal zone.
Oregon Parks and Recreation Department Heritage Conservation Division 725 Summer St NE Suite C Salem OR 97301	Response from: Sarah Jalving Historic Compliance Specialist (503) 986-0679 <a href="mailto:Sarah.Jalving@state.or.us">Sarah.Jalving@state.or.us</a>  Roger Roper (503) 986-0677	12/10/2004 – Historic Notice Sent  12/20/2004 – response letter sent by Heritage Conservation Div.  1/3/2005 – Call to Historic Office	12/20/2004 – A State of Oregon Section 106 Documentation form is requested. Abandonment is in an area with a high probability for possessing archaeological sites and/or buried human remains.  1/4/2005 – Spoke with Roger Roper concerning the requirements outlined in the letter. Learned that two of the forms under Section 106 should be submitted.

**EXHIBIT D**



17.1

20.05

Portland & Western Railroad, Inc. - Abandonment Exemption - Washington County, Oregon  
Docket No. AB-541 (Sub-No. 1X)

**EXHIBIT E**

# Legal Notices

## Notice

Portland & Western Railroad, Inc. ("PNWR") gives notice that on or about February 8, 2005, it intends to file with the Surface Transportation Board, Washington, DC 20423, a verified notice of abandonment pursuant to the provisions of 49 CFR 1152 Subpart F - *Exempt Abandonments* permitting the abandonment of a 2.95 mile line of railroad between railroad milepost 17.10 and milepost 20.05, near Ben-deemer Station which traverses through United States Postal Service Zip Code 97124 near the City of Hillsboro in Washington County, Oregon. The proceeding will be docketed as AB-541 (Sub-No. 1X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of abandonment. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the SEA, Surface Transportation Board, Mercury Building, 1925 K Street, NW, Washington, DC 20423 or by calling that office at 202-565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trail use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, Mercury Building, 1925 K Street, NW, Washington, DC 20423 [see 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [see 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: Eric Hocky, Gollatz, Griffin & Ewing, P.C., Four Penn Center, Suite 200, 1600 JFK Boulevard, Philadelphia, PA 19103, (610) 663-9400.

(Jan. 4, 6, 11, 13, 18, 20, 25, 27, 2005)